II) REMARKS

The following remarks are presented in response to the Office action dated November 27, 2006. None of the claims have been amended herein.

Claims 41, 42, 49, 54-56, 59, 60, 65, 69, 70, 77, 82-84, 87, 88, 93, 94, 97 and 98 have been rejected under 35 USC 102(e) as allegedly being anticipated by DeLapa (US 5,822,735). Claims 43, 44, 47, 71, 72 and 75 are rejected under 35 USC 103(a) as being unpatentable over DeLapa. Claims 50-53, 62, 78-81 and 90 are rejected under 35 USC 103(a) as being unpatentable over DeLapa in view of Begum (US 5,420,606). Claims 57, 58, 64, 67, 68, 85, 86, 92, 95 and 96 are rejected under 35 USC 103(a) as being unpatentable over DeLapa in view of Tagawa (USP 5,732,398). Applicant respectfully traverses these rejections since the prior art, alone or in combination, clearly does not teach or render obvious the limitations set forth in the rejected claims.

With respect to claim 41, the Examiner states that DeLapa teaches, _inter alia_, "means for analyzing a user profile data record with respect to a plurality of coupon offers in the repository and for analyzing a coupon offer with respect to a plurality of user profile data records (see col. 3, lines 7-40), and for generating one or more coupons based on said analysis, wherein said coupon is limited to use by the user identified in the user profile data record for items at the geographic location associated with the user (see col. 3, lines 7-65). However, it clear that the DeLapa reference does not relate to providing coupons that are _limited to use by the user_ identified in the user profile for items _at the geographic location associated with the user_, as presently claimed.

The section referenced by the Examiner as allegedly anticipating these claim elements provides:

> According to a first aspect of the invention, one or more coupons are generated by selecting a consumer from a group of consumers, selecting particular coupons from a group of coupons to provide to the selected consumer and printing the coupons. The coupons thus generated will be variable as to at least the identity of the consumer and a coupon identification, both of which are encoded on the coupon in machine

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readable form. The coupon identification will specify at least the discount value of the coupon and may additionally include a transaction to which the discount value is to apply. Other parameters such as an expiration date of the coupon may be included. In a preferred form, the consumer identification and coupon parameters will be combined in a single code which may be read by a single pass over conventional scanning equipment.

A method according to another aspect of the invention includes identifying a particular consumer, printing a packet of coupons for the identified consumer, transmitting the packet to the consumer, identifying which coupons in the packet the consumer uses and printing another packet of coupons for that consumer, with at least one coupon selected as a function of the coupons the consumer used. Other consumption related information pertaining to the consumer may be combined with the history of coupon use in order to select coupons to transmit to the consumer. This additional information may be obtained by a telephone interview with the consumer or by the consumer completing a survey of questions. The method is cyclically performed nondiscriminately for all consumers who wish to participate in the program. In a preferred form, the method is organized around a particular retail store or chain of stores and coupon values are selected for a consumer as a function of whether or not the consumer is a present customer of the particular retailer.

According to yet another aspect of the invention, coupons are printed bearing a machine readable code including a coupon identification number and a user number. The machine readable code is read at a point-of-sale terminal using a code reading apparatus. The portion of the read code corresponding to the user number is replaced with a generic code to provide a substitute code. The substitute code is applied to a look-up table in order to determine coupon parameters related to the coupon identification number. This eliminates the necessity for providing a record at the point-of-sale of each combination of coupon and user, which would be a prohibitively large number of records. *The entire machine readable code may also be captured and uploaded to a central data base for determination of both the coupon parameters and the identification of the user in order to update the data base*. The captured data may be used to redeem the coupons in order to cause the manufacturers to generate a rebate to the retailer. Advantageously, the coupon redemption function can be performed on coupons not bearing a user number, which makes the system more useful.

DeLapa, col. 3, lines 7-65 (emphasis added). This simply provides that a user identification is encoded in a bar code symbol that is scanned during the transaction so the system may record the identity of the redeeming user, or at least of the user encoded in the bar code. The coupon is not *limited* to being used by that identified user; the

information is collected only for subsequent marketing and coupon generation purposes. Thus, the DeLapa coupon is not "limited to use by the user identified in the user profile data record" as clearly recited in the claims.

Furthermore, there is no teaching that the coupon is limited to being for items *at the geographic location associated with the user* as set forth in the claims. Although the user profile appears to include the address of the user, there is no teaching that the coupons have any geographic-based component as set forth in the claims.

The Examiner also states that DeLapa teaches "(iv) means for distributing said generated coupon to the user for subsequent redemption by the user when purchasing the item associated with the coupon from the coupon offering entity at the geographic location associated with the user (see col. 8, line 32 – col. 9, line 20); whereby the coupon offering entity is provided with the identification of the user redeeming the coupon (see DeLapa col. 3, lines 10-40; col. 5, lines 5-45; col. 10, lines 7-20). However, these cited sections do not teach that the user redeems the coupon *from the coupon offering entity at the geographic location associated with the user* as presently claimed. Since there is no limitation in the DeLapa system that the coupons are for items *at the geographic location associated with the user,* there is also no teaching that the redemption occurs *from the coupon offering entity at the geographic location associated with the user* as claimed.

Thus, independent claims 41 and 69 are patentable or at least these reasons and are in condition for allowance.

Dependent claims 59 and 87 also specify that "the coupon offers vary in accordance with the geographic location associated with the user." The Examiner alleges that DeLapa teaches this at col. 8, lines 53-57. This section of DeLapa states only that:

> For each member, data base 25 may additionally include demographic data such as the census ACORN in which the consumers household is located.

All this provides is that demographic data may be included in the database (profile), which may be ACORN data. ACORN is a system that classifies consumers based on various *demographic factors* such as income level, credit card limits, food spending, interest in self improvement, etc. This is unrelated to a geographic location, and furthermore is unrelated to *varying the coupon* offer in accordance with the geographic location associated with the user as claimed. Thus, claims 59 and 87 are patentable for this reason as well.

The remaining pending claims all depend from either claim 41 or claim 69 and thus incorporate all of the limitations as discussed above. Accordingly, these dependent claims are likewise patentable for at least the same reasons discussed above.

Therefore, it is respectfully submitted that the pending claims are patentable over the prior art of record. Applicant thus submits that the entire application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of this application.

Respectfully submitted,

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